

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANTHONY TRUPIA,

Plaintiff,

v.

Case No. CIV-24-498-SLP

HERITAGE HARD ASSETS LLC; KYLE PATTON, individually as Manager/Officer of HERITAGE HARD ASSETS LLC; HLV VENTURES, an unregistered New York company; REAGAN GOLD GROUP, LLC; STEVE FRANCIS, individually as Manager/Officer of REAGAN GOLD GROUP, LLC; WORLD HARVEST CHURCH, INC. ; ROD PARSLEY, individually as Manager/Officer of WORLD HARVEST CHURCH, INC.; SOUTH BAY GALLERIES LLC; BRANDON MENDELSON, individually as Manager/Officer of SOUTH BAY GALLERIES LLC; TELNYX LLC; DAVID CASEM, individually as Manager/Officer of TELNYX LLC; IAN EITHER, individually as Manager/Officer of TELNYX LLC; JAMES WHEDBEE, individually as Manager/Officer of TELNYX LLC; MANDI MENA, individually as Manager/Officer of TELNYX LLC; ONVOY, LLC; BRETT SCORZA, individually as Manager/Officer of ONVOY, LLC; JAMES HYNES, individually as Manager/Officer of ONVOY, LLC; G EDWARDS EVANS, individually as Manager/Officer of ONVOY, LLC; MATTHEW CARTER JR, individually as Manager/Officer of ONVOY, LLC; LEVEL 3 COMMUNICATIONS, LLC; JEFF STOREY, individually as Manager/Officer of LEVEL 3 COMMUNICATIONS, LLC; ZEBERSKY PAYNE SHAW LEWENZ, a Florida law firm; ZACHARY D LUDENS, individually as an attorney of ZEBERSKY

PAYNE SHAW LEWENZ; and DOES 1
through 100, inclusive,

Defendants.

**DEFENDANT ONVOY, LLC’S MOTION TO EXTEND TIME TO ANSWER OR
OTHERWISE RESPOND TO COMPLAINT**

Defendant Onvoy, LLC (“Onvoy”), through its undersigned attorneys, hereby requests an extension of time to respond to Plaintiff’s Complaint pursuant to L.Cv.R. 7.1(h). Such an extension will allow Onvoy to adequately investigate and fully respond to Plaintiff’s allegations and/or allow the Court to resolve any motion for remand.

1. On April 22, 2024, Plaintiff sued Onvoy and the other above-captioned defendants in the District Court of Oklahoma County, Oklahoma alleging violations of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. §6101, *et seq.*), the Telemarketing Sales Rule (16 C.F.R. §310, *et seq.*), the Telephone Consumer Protection Act (47 U.S.C. § 227, *et seq.*), as well as Oklahoma state laws.

2. Onvoy was served on April 29, 2024.

3. On May 15, 2024, HLV Ventures filed a notice of removal to this Court.
ECF 1.

4. On May 20, 2024 Onvoy joined in HLV Ventures’ removal to this Court.
ECF 4.

5. Onvoy’s response to Plaintiff’s Complaint is due on May 27, 2024.

6. Onvoy requests an extension until the later of (a) an additional thirty (30) days to answer or other respond to the Complaint, making its response due June 26, 2024

or (b) in the event Plaintiff files a motion to remand, fourteen (14) days after the motion for remand is decided by this Court.

7. This motion is made in good faith and not for the purpose of delay, but the additional time is necessary so Onvoy can investigate the allegations made by Plaintiff and respond and in order to avoid responding to the Complaint while the venue is contested by Plaintiff.

8. At the time of filing, this extension would not impact any other pending deadlines in this matter.

9. Onvoy has not previously requested an extension of time.

10. Onvoy's counsel spoke with Plaintiff on May 16, 2024 and requested an extension of time to answer in order to investigate Plaintiff's claims; Plaintiff would not agree to an extension. Onvoy's counsel followed-up with Plaintiff by email on May 23, 2024 to advise him regarding this motion and confirm whether he still opposed an extension. As of the time of the filing of this motion, Plaintiff had not yet responded.

11. A proposed order granting this motion is submitted separately herewith.

WHEREFORE, Defendant Onvoy, LLC requests that the Court grant an extension of time until June 26, 2024 to answer or otherwise respond to Plaintiff's Complaint or fourteen (14) days after the Court rules on any motion for remand that may be filed by Plaintiff, whichever is later.

Dated: May 23, 2024

Respectfully submitted,

/s/ Nicholas V. Merkley

Nicholas (“Nick”) V. Merkley, OBA No. 20284

Gerard D’Emilio, OBA No. 33496

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Attorneys for Onvoy, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2024, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing and served on the following via First-Class United States Mail:

Anthony Trupia
605 SE 21st St.
Oklahoma City, OK 73129

/s/ Nicholas V. Merkley